

State of Kansas



State Conservation Commission

Water Right Transition Assistance Pilot Project Program

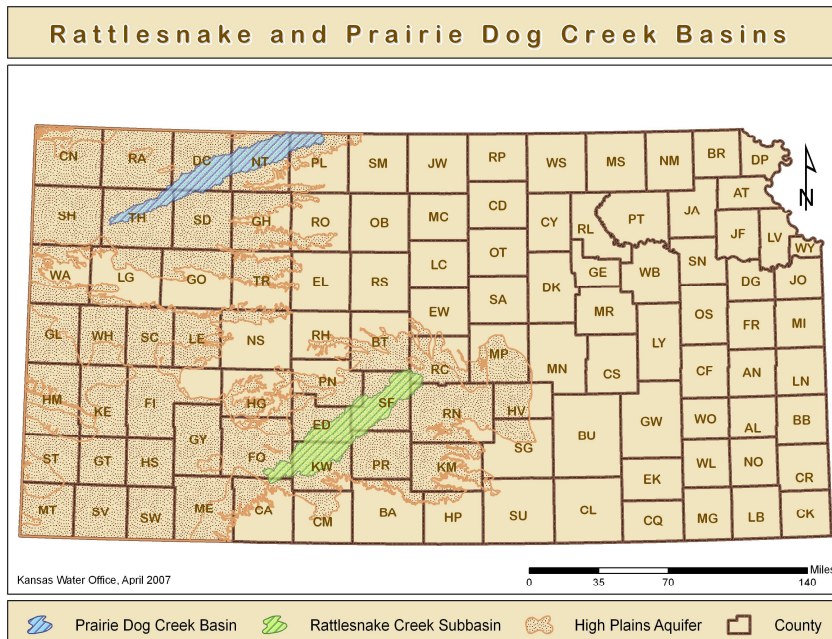


The Water Right Transition Assistance Pilot Project (WTAP) is a new water management program being administered by the State Conservation Commission (SCC). Its purpose is to reduce the consumptive use of water in targeted, high priority areas of Kansas by issuing financial grants for privately held water rights.

WTAP is a voluntary, incentive-based program whereby the landowner permanently retires (dismisses) water rights in exchange for compensable payment by the State. Mutually agreeable compensation is determined by the “historic consumptive water use” (HCWU) quantity of the water right and a competitive bid price submitted by the owner.



WTAP is especially useful for helping to restore the balance between alluvial aquifers and stream flows in critically depleted areas. In 2006, the Kansas Legislature initially identified the Prairie Dog Creek basin and Rattlesnake Creek sub-basin as pilot project areas because of their unique water supply issues.



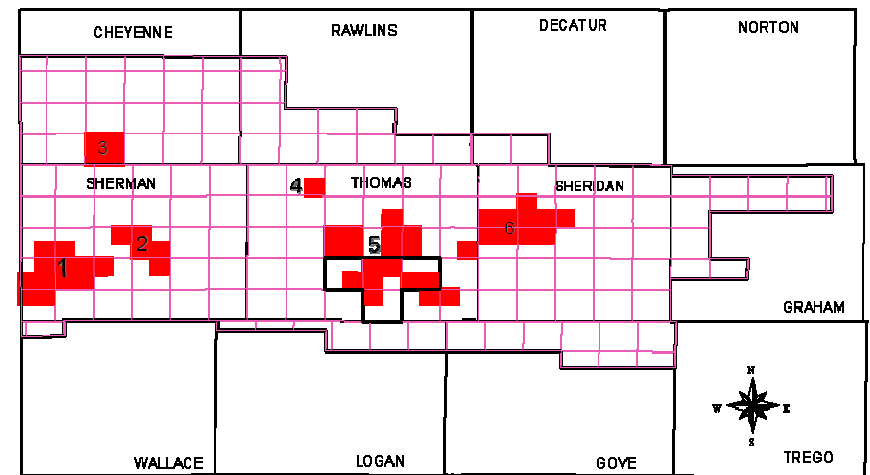
Prairie Dog Creek is a tributary of the Republican River. This watershed is a vital component of the total water apportionments which the State of Kansas must supply to the State of Nebraska to maintain its interstate compact compliance. The Prairie Dog Creek basin covers parts of Thomas, Sheridan, Decatur, Rawlins, Norton, and Phillips counties.

Rattlesnake Creek is a tributary of the Arkansas River that flows through the Quivira National Wildlife Area, a wetland of international importance. It covers parts of Clark, Ford, Kiowa, Edwards, Pawnee, Pratt, Stafford, Rice, Reno, and Barton counties.

SCC is working with Groundwater Management Districts and other partners to prioritize resource areas where water right retirements will provide the greatest benefit. WTAP grant applications proposing to retire water rights in ranked priority areas will receive the most consideration for funding.

In 2007, the NW KS Groundwater Management District No. 4 formally adopted six “High Priority Areas” which are the focus of special local water management efforts. These particular areas have been identified as a result of hydrologic modeling analysis, and the Board of Directors has established appropriate management protocols intended to slow groundwater declines and thereby extend the usable life of the Ogallala Aquifer. One of those protocols involves voluntary retirement of water rights.

**GMD4 High Priority Areas
Adopted March 8, 2007**



In September 2008, the Kansas DWR Chief Engineer found these areas to be “in need of aquifer restoration”, and formally designated these six High Priority Areas in the NW KS Groundwater Management District No. 4 as “WTAP Target Areas”, thus making landowners in these areas eligible for the program’s financial grants.

With only very minor exceptions (such as domestic use and limited term permits), all of the WTAP target areas have been closed to the further appropriation of water to ensure that the State’s investment in permanently retiring water rights is being protected.

WTAP Program Details:



To be considered “eligible” for retirement grants, water rights must be active “vested” or “certified appropriation” water rights that have been put to lawful beneficial use in at least 6 of the last 10 calendar years.

The State of Kansas is seeking to retire water rights with the greatest quantities of “historic consumptive water use”. This quantity is calculated by averaging the irrigation water use reported during the last six years prior to the WTAP application being submitted. Applications proposing to retire water rights with high average historic consumptive water use values will receive high consideration for payment approval.

The SCC establishes a state-wide fixed price rate for the HCWU during each enrollment period based on current market conditions for irrigation land and water right values. Applicants can bid less than the fixed price rate in order to increase their consideration for approval among competing applications. Applications which propose cost-sharing from a local sponsor (i.e. a GMD) can also increase the priority for consideration. The current fixed price rate is \$2,000 per acre-foot of HCWU.

The application periods for submitting WTAP retirement grant applications are October 1 through November 15, and February 15 through March 31. Applicants will be notified of the final status of applications within 60 days of the end of the application period. If approved, grants can be paid as multiple annual installments not to exceed 10 years, or as a lump sum.

Dryland farming is permitted after a right is retired.

Limited, temporary watering of up to three years is allowed to establish a permanent cover on the land being transitioned from irrigation if necessary.



If approved for a retirement grant, a water right must be completely separated from, or completely “overlapped” with, all other related water rights.

“Partial” water rights can be approved for retirement by permanent reduction. The approval of “partial” water right retirements also requires additional analysis and approval by the Kansas Division of Water Resources.

The affected land may also be irrigated again from other nearby water rights subject to analysis and approval by the Kansas Division of Water Resources.

Wells authorized by water rights being retired must be properly capped, plugged, or reconditioned as a domestic well in accordance with standards of the Kansas Department of Health and Environment.

A Few More Things to Remember:

- ▽ WTAP is only authorized as a 5 year pilot project with an annual budget not to exceed \$1.5 Million – these grant funds are limited.
- ▽ Public entities are not eligible for WTAP and only irrigation water rights can be considered. However, financial sponsorships from other entities can increase the ranking priority of a WTAP application.
- ▽ Bid proposals are competitive within target areas and against bids in other target areas.
- ▽ The approval of applications with bids for water right retirement grants will be based on the best opportunities for reducing the greatest amount of consumptive use at the most reasonable, affordable price.



WTAP application forms and materials are available on the SCC website at www.scc.ks.gov

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For additional assistance with water rights:

Kansas Division of Water Resources

Stafford Field Office
105 North Main Street
Stafford, KS 67578-6900
(620) 234 – 5311

Stockton Field Office
820 South Walnut
Stockton, KS 67669-0192
(785) 425 - 6787



For more questions about water management:

Kansas Groundwater Management Districts

Big Bend GMD #5
125 South Main Street
Stafford, Kansas 67578
(620) 234 – 5352



Northwest Kansas GMD #4
1175 South Range
Colby, Kansas 67701-0905
(785) 462 – 3915